

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA

Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, et al.,

(Jointly Administered)

Debtors.¹

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

No. 17 BK 3567-LTS

as representative of

PUERTO RICO HIGHWAYS AND TRANSPORTATION
AUTHORITY

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¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

ORDER

AND NOW, this 1st day of December, 2017, upon consideration of the *Motion for Authorization to Conduct Examination of the Government Development Bank for Puerto Rico, Carlos Vizcarrondo and Héctor Betancourt, Pursuant to Federal Rule of Bankruptcy Procedure 2004 and Local Bankruptcy Rule 2004-1* [Dkt. No. 272 (HTA case)] (the “Motion”),² filed by Siemens Transportation Partnership [Puerto Rico], S.E. (“Siemens”), the responses filed in connection therewith, oral argument thereupon, and in accordance with this Court’s Order dated November 17, 2017 (Dkt. No. 338), this Court orders the following:

- (i) the Motion is Granted in Part and Denied in Part; and
- (ii) Siemens is authorized to conduct one (1) oral examination of an individual pursuant to Federal Rule of Bankruptcy Procedure 2004 and Local Bankruptcy Rule 2004-1, limited to the topics set forth below in paragraph (iv);
- (iii) the deposition shall be held at the offices of Sepulvado & Maldonado, PSC, 304 Ponce de León Avenue, Suite 990, San Juan, PR 00918 on a date to be determined, which date shall be on or before January 31, 2018, unless extended by agreement of Siemens and the Government Development Bank for Puerto Rico (“GDB”);
- (iv) the individual produced for oral examination shall be José Santiago Ramos and he shall be prepared as a corporate designee of GDB, and shall be adequately informed and prepared to testify, in accordance with Fed. R. Civ. P. 30(b)(6), concerning: the establishment, handling, maintenance, reporting, modifying, oversight and status of

² Capitalized terms used but not defined herein shall have the meanings given to such terms in the Motion.

GDB account number 200079 420 001 004 06 (the "Account") and any and all facts known or reasonably available to GDB which pertain to the Account, including GDB's treatment of the Account, the funds that were allegedly placed therein and the whereabouts of such funds and the flow of any monies associated with the Account; and any and all facts that pertain to whether the Account is an escrow account;

- (v) at least ten (10) days prior to the date of the scheduled oral examination of the GDB corporate designee, GDB shall produce to Siemens copies of documents or electronically stored information (consistent with Federal Rule of Civil Procedure 34(a)) concerning : the establishment, handling, maintenance, reporting, modifying, oversight and status of the Account, including GDB's treatment of the Account, the flow of any monies associated with the Account and whether the Account is an escrow account; and
- (vi) Siemens and GDB agree to cooperate to determine a mutually agreeable date and time for the oral examination; and
- (vii) Siemens is hereby authorized to issue a Subpoena in connection with the foregoing subject to the terms and limitations included in this Order;
- (viii) Siemens will entertain reasonable requests to extend the deadlines set forth herein, as a result of circumstances outside the control of GDB.

SO ORDERED.

/s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge

DATED: December 1, 2017